

**MARTIN J. WALSH**, Secretary of  
Labor, United States Department of Labor,

V.

Defendants.

Judge Staci M. Yandle

I, **Gov't Informant** based on personal knowledge, state the following:

1. I am [REDACTED] years old and reside in [REDACTED] Gov't Informant. I worked [REDACTED] Gov't Informant time at Longbranch Café located at 100 E. Jackson Street, in Carbondale, Illinois, from approximately [REDACTED] [REDACTED]
2. Gov't Informant [REDACTED]  
[REDACTED] I worked as a server from [REDACTED] Gov't Informant [REDACTED]  
[REDACTED]
3. I was hired by a manager named Wil Davis. [REDACTED] Gov't Informant [REDACTED] trained me [REDACTED]  
Gov't Informant [REDACTED] as a server.
4. Gov't Informant [REDACTED]  
[REDACTED]  
[REDACTED]
5. As a server, I was paid an hourly wage of \$5 and earned tips directly from customers, which I had to put into a tip pool.

6. Longbranch required servers and baristas to put all of their tips into a tip pool. On each shift, one of the servers or baristas would collect everyone's tip money for the pool. They would then count it out to distribute to the employees at the percentages set by the Café. Specifically, the dishwashers received 5% of the tip pool, kitchen staff such as cooks received either 5% or 10% (I cannot recall which at this time), and the servers and baristas split the rest.
7. It was optional for servers and baristas to tip out more than 5% to the dishwashers if they felt generous. But, there was no option to give the dishwashers less than 5% of the tip pool. The dishwashers always had to get 5% of the tip pool at a minimum.
8. **Gov't Informant**  
[REDACTED]  
[REDACTED]
9. I was also told about the tip pool when I was being trained **Gov't Informant**  
[REDACTED] I was told that the tip pool was "what we do" at the Café. I also received a packet during training containing documents related to Longbranch Café procedures and policies. Information on the tip pool may have been in the training packet.
10. **Gov't Informant**  
[REDACTED]  
[REDACTED]  
[REDACTED] servers and other coworkers would complain about tipping out the dishwashers and cooks or express unhappiness with giving out a portion of their tips to the back of the house.
11. **Gov't Informant** further trained me on the rules of the tip pool when I was being trained as a server,

explaining how all the tips were pooled and distributed in set percentages to the servers, baristas, cooks, and dishwashers. I was trained that this was Café procedure.

12. Working as a server, I dealt with the tip pool every night. Everyone followed the tip pool rules, as we were all knew it was Café procedure. My coworkers and I treated administration of the tip pool as a mandatory task because it was the Café's procedure.

13. The kitchen staff would make sure we tipped them out from the tip pool. They expected to be tipped out, I think because management told them that they would be.

14. To my knowledge, none of the servers or baristas broke the tip pool rules or tried to keep their tips. I think if someone had tried to keep from tipping out the cooks and dishwashers, and management became aware of it, Elaine would have chastised that person and made them tip out the dishwashers and cooks.

15. I understood the tip pool to be mandatory. It was what we were trained to do and what was always done. It was expected as part of the job.

16. No one ever told me I had a choice or the tip pool was optional. I had no say over the amount put in or the distribution of the tip pool. The tip pool was always divided in the set amounts per the procedures.

17. During my time at the Café, management held a few staff meetings but the tip pool was never discussed at these meetings.

18. I typically ended up with around \$20 or \$30 in tips per shift after the tip pool was divided up. If I worked a busy weekend shift, I could earn as much as \$50 in tips, but it was often much lower than that.

19. Longbranch never recorded or documented the tips I received each day or week.

20. Baristas had cash drawers that they were responsible for. There were a couple of

instances during my employment where the barista's cash drawer would be short money at the end of the shift and the baristas would be responsible for putting in their own money to balance the drawer. When this happened, I would contribute \$10-20 to the drawer to help the barista.

21. Servers did not have cash drawers so we had to bring in some of our own cash as a "bank" to enable us to give change to customers who paid in cash. Some servers carried their "bank" with them while others stashed it by the counter. Cash tips we received also went into our "banks." There were times where the amount of cash I gave customers in change exceeded the amount I received in tips, such that I ended the shift with less cash than I brought in when I started the shift. In other words, at times, I did not make enough in tips to recoup the personal money I had to use for customer change.

22. The Dayemi Organization is influential in the local community. I know some of the employees I worked with at the Café were part of the Dayemi Organization.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: November 22, 2021

Signed:

Gov't Informant